

# HOUSE BILL 80

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By: **Delegate Grammer**

Introduced and read first time: January 11, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Opioid Maintenance Therapy Programs – License Renewal**

3 FOR the purpose of authorizing a certain protest against the renewal of an opioid  
4 maintenance therapy program license by at least a certain number of certain  
5 persons; prohibiting the Secretary of Health, under certain circumstances, from  
6 approving a certain license renewal without holding a public hearing; requiring the  
7 Maryland Department of Health to post certain notice of a public hearing in a certain  
8 manner within a certain time frame; prohibiting the Secretary from approving the  
9 renewal of a certain license under certain circumstances; defining a certain term;  
10 and generally relating to license renewals for opioid maintenance therapy programs.

11 BY repealing and reenacting, with amendments,  
12 Article – Health – General  
13 Section 7.5–402  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2017 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 7.5–402.

20 (a) Regulations adopted under this subtitle shall include:

- 21 (1) The requirements for licensure of a behavioral health program;
- 22 (2) The process for a behavioral health program to apply for a license;
- 23 (3) A description of the behavioral health programs that are required to be

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 licensed;

2 (4) Any requirements for the governance of a behavioral health program,  
3 including a provision prohibiting a conflict of interest between the interests of the provider  
4 and those of the individual receiving services;

5 (5) Provisions for inspections of a behavioral health program, including  
6 inspection and copying of the records of a behavioral health program in accordance with  
7 State and federal law; and

8 (6) Provisions for denials, sanctions, suspensions, and revocations of  
9 licenses, including imposition of civil monetary penalties, and notice and an opportunity to  
10 be heard.

11 (b) (1) The Secretary may require a behavioral health program to be granted  
12 accreditation by an accreditation organization approved by the Secretary under Title 19,  
13 Subtitle 23 of this article as a condition of licensure under regulations adopted under this  
14 subtitle.

15 (2) By becoming licensed in accordance with paragraph (1) of this  
16 subsection, a program agrees to comply with all applicable standards of the accreditation  
17 organization.

18 (C) **A PROTEST AGAINST THE RENEWAL OF AN OPIOID MAINTENANCE**  
19 **THERAPY PROGRAM LICENSE AWARDED UNDER THIS SUBTITLE MAY BE MADE BY AT**  
20 **LEAST 10 SIGNATORIES WHO ARE:**

21 (1) (I) **RESIDENTS OF THE COUNTY IN WHICH THE OPIOID**  
22 **MAINTENANCE THERAPY PROGRAM IS LOCATED;**

23 (II) **COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR**  
24 **APPLICANTS FOR AN OPIOID MAINTENANCE THERAPY PROGRAM LICENSE; OR**

25 (III) **REAL ESTATE OWNERS; AND**

26 (2) **LOCATED IN THE IMMEDIATE VICINITY OF THE LICENSED OPIOID**  
27 **MAINTENANCE THERAPY PROGRAM.**

28 (D) (1) (I) **IN THIS SUBSECTION, “PUBLIC HEARING” MEANS AN**  
29 **INFORMATIONAL HEARING THE SOLE PURPOSE OF WHICH IS TO OBTAIN PUBLIC**  
30 **COMMENT AND ANSWER PUBLIC QUESTIONS.**

31 (II) **“PUBLIC HEARING” DOES NOT INCLUDE A CONTESTED CASE**  
32 **HEARING UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

1           **(2) IF A PROTEST IS MADE UNDER SUBSECTION (C) OF THIS SECTION**  
2 **AT LEAST 30 DAYS BEFORE THE DATE A LICENSE EXPIRES, THE SECRETARY MAY NOT**  
3 **APPROVE THE LICENSE RENEWAL WITHOUT HOLDING A PUBLIC HEARING.**

4           **(3) THE DEPARTMENT SHALL POST NOTICE OF A PUBLIC HEARING**  
5 **REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN A CONSPICUOUS**  
6 **MANNER ON ITS WEBSITE.**

7           **(4) THE NOTICE REQUIRED UNDER PARAGRAPH (3) OF THIS**  
8 **SUBSECTION SHALL:**

9                   **(I) BE POSTED:**

10                           1. **AT THE TIME THE HEARING IS SCHEDULED; OR**  
11                           2. **NO LATER THAN 15 DAYS BEFORE THE DATE OF THE**  
12 **PUBLIC HEARING;**

13                   **(II) IDENTIFY THE LICENSEE; AND**

14                   **(III) INCLUDE THE TIME AND PLACE OF THE HEARING.**

15           **(5) IF FACTUAL EVIDENCE OF A HEALTH OR SAFETY RISK TO THE**  
16 **COMMUNITY THAT IS DIRECTLY ASSOCIATED WITH THE OPERATION OF THE OPIOID**  
17 **MAINTENANCE THERAPY PROGRAM THAT IS APPLYING FOR RENEWAL OF A LICENSE**  
18 **IS PRESENTED AT THE PUBLIC HEARING, THE SECRETARY MAY NOT APPROVE THE**  
19 **RENEWAL OF THE LICENSE.**

20           **[(c)] (E)** Regulations adopted under this subtitle may include provisions setting  
21 reasonable fees for applying for a license and for the issuance and renewal of licenses.

22           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2018.